

**APPLICATION REFERRED FROM THE WEEKLY LIST****WEEKLY LIST NO. 1484 – 26 July 2019****18/01009/FUL****LAND REAR OF 1 TO 8 STILE LANE RAYLEIGH****CONSTRUCTION OF TWO 3-BEDROOM BUNGALOWS WITH PARKING****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1484 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Wednesday, 31 July 2019 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr R R Dray referred this item on the grounds that the development was an inappropriate backland development and there was insufficient emergency vehicle access to the site.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

**2 RECOMMENDATION**

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

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Application No : 18/01009/FUL      Zoning : Residential  
Case Officer      Ms Katie Rodgers  
Parish :      Rayleigh Town Council  
Ward :      Wheatley  
Location :      Land Rear Of 1 To 8 Stile Lane Rayleigh  
Proposal :      Two 3 bedroom bungalows with parking

### SITE AND PROPOSAL

1. The application site is located on Stile Lane, an unmade road which runs along the south-eastern boundary of King Georges Playing Field on the edge of Rayleigh town centre. The character of the locality is residential.
2. The site is a T-shaped area of land with a narrow frontage onto Stile Lane between Numbers 3 and 5 which then widens out to a rectangular area of land to the rear of the gardens to Numbers 1 to 8 Stile Lane. The rectangular wedge is also bordered by the rear garden boundaries of dwellings on Queens Road. The land has been used for many years as residential garden to No. 5 Stile Lane and is currently laid to lawn, containing two small garden sheds and featuring several trees one of which is an Oak tree, subject to a Tree Preservation Order (TPO). The land is relatively flat with a slight slope downwards from south-west to north-east.
3. No. 5 Stile Lane is a semi-detached house which is one of a cluster of similarly designed houses in the street; there are only a handful of other dwellings in the street which are of mixed design and form including bungalows, chalet bungalows and houses. To the south-west on King Georges Close are several purpose-built flatted blocks. Whilst most properties in Stile Lane front the street and are set back a uniform distance, there is a small cul-de-sac development off Stile Lane on Meadowside where several modest bungalows are sited to the rear of dwellings on Stile Lane, sited around a central parking court.

### PROPOSAL

4. The proposal seeks to construct two bungalows on the site. Each bungalow would be three-bed. The bungalows would be sited facing each other with a centrally positioned parking and turning area. Each would be provided with an enclosed garden to the rear. The bungalows would be sited directly to the rear of Numbers 1 and 7 Stile Lane and orientated at 90 degrees to the rear garden boundaries of these properties. The bungalows would have hipped roof designs. Access to the bungalows would be via Stile Lane, between numbers 3 and 5. A small single storey extension to the side of Number 5

Stile Lane would be demolished to facilitate the provision of the vehicular access.

5. In the course of the application revised plans were received. Re-consultation and notification to neighbours was carried out and a new site notice posted.
6. The revised plans re-position one of the proposed bungalows and alters the design and form of one of the bungalows. The proposed parking layout was also amended.

#### PLANNING HISTORY

04/01013/FUL - Construction of Two Single Storey Dwellings With Garages - REFUSED

The two reasons for refusal here related to the narrowness of the proposed vehicular access.

05/00774/FUL - Construction of Two Single Storey Dwellings With Garages - REFUSED

The reason for refusal here related to adverse impact on trees with an important contribution to the amenity of the site and the locality.

07/01037/FUL - Form Access Adjoining No.5 and Construct 2 no. Semi Detached and 1 no. Detached Bungalows on land to the Rear of nos. 1 to 8 Stile Lane. REFUSED

The 2007 application was refused for the following reason;

'The proposed plans do not accurately show the existing trees on the site nor the trees to be removed. The proposal would be likely to have a serious and adverse effect on the existing established tree cover at the site, which in the opinion of the Local Authority makes an important contribution to the amenity of the site and locality.

#### MATERIAL CONSIDERATIONS

7. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
8. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy adopted December 2011, the Allocations Plan adopted February 2014 and the Development Management Plan adopted December 2014.

9. The Rochford District Council Local Development Framework Allocations Plan (Adopted 25th February 2014) forms part of the Development Plan for Rochford District. The Allocations Plan supersedes the proposals map that accompanied the 2006 Replacement Local Plan. The site was allocated as existing residential development in the Local Plan and is now white land, without formal designation, in the Allocations Plan. White land is used to mean land without specific proposal for allocation in a development plan. The site comprises land in use as a residential garden at present, where residential use would, in principle, be appropriate, however consideration must be given to whether the proposed infill development is appropriate in terms of scale, character and other considerations.

#### APPROPRIATENESS OF INFILL DEVELOPMENT

10. The National Planning Policy Framework sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development but advises that there are likely to be circumstances where development of residential gardens will be inappropriate and should be resisted. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.
11. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
12. Local planning policies have been developed which set out the requirements for development proposed in residential gardens. Policy H1 of the Core Strategy seeks to protect the character of existing settlements by resisting the intensification of smaller sites within residential areas but allows for limited infilling where the development would relate well to the existing street pattern, density and character of the locality. Policy DM3 of the Development Management Plan further sets out the considerations that apply to proposals for infill residential development, most of which are relevant to the proposed development.
13. In terms of housing need, the Council have an up to date 5-year housing land supply, however additional windfall sites such as this would add to housing provision in the district.
14. In terms of relating to the existing street pattern and density of the locality, the proposed development would not reflect the linear, street facing residential dwellings which are characteristic of most properties on Stile Lane, however, there is a cluster of bungalows that form a type of back-land arrangement off Stile Lane on a small cul-de-sac 'Meadowside' to the north-east of the site which the proposal would reflect. This cluster does however have some different characteristics from that proposed with a shorter and wider access

driveway with the cluster of properties set around a wider more open communal space. The relationship between the proposed bungalows and the properties to the rear on Queens Road would not be dissimilar to the relationship between Numbers 6 and 7 Meadowside and the properties on Queens Road to the rear, albeit that the proposed bungalows would be oriented at 90 degrees to and closer to the shared boundary. The proposal would not result in an inappropriate increase in density. In the previous planning applications, the siting of the proposed bungalows was similar to that now proposed and no reasons for refusal have previously concerned either the appropriateness of the site for infill development or impact on residential amenity.

15. In terms of impact on residential amenity, the proposed bungalows would be visible from the properties and rear gardens of dwellings that bound the site on Stile Lane, Queens Road and Meadowside. However, the bungalows would be modest in height and with hipped roofs which would slope away from shared boundaries. Although the side elevation of the bungalows would run adjacent to the full width of the rear garden boundaries to some dwellings, the separation distance between existing and proposed dwellings is such that the proposal would not be considered likely to result in unreasonable harm to residential amenity by way of causing excessive overshadowing or being overbearing. Windows and doors would all be at ground floor level only and would not give rise to the potential for overlooking and loss of privacy to neighbouring properties that would be unreasonable. A planning condition is recommended to require windows on the side elevations to be obscure glazed and non-opening above 1.7 metres above finished floor level to guard against overlooking to neighbouring gardens. It is considered that the site would be suitable as a site for infill residential development, in principle.
16. The proposal would use the access track to the north of No. 5 to provide vehicular and pedestrian access to the proposed bungalows. Along much of its length the access road would be some 4.25 metres in width bounded either side by boundary treatment that would be required to be at least 1.8 metres in height to provide the necessary privacy to the rear gardens of the adjoining dwellings; the side elevation of No. 5 Stile Lane would form the boundary to part of the access driveway.
17. In terms of character, the area is currently characterised by residential development with properties of varying form, design and type including bungalows. It is considered that the proposed bungalows, which would be of modest height would not appear out of character with the locality. Given the elongated access driveway proposed it is considered that the proposed bungalows would not have a significant impact on the street scene as they would not be readily visible from Stile Lane. However, the proposal would require the creation of a car parking space to serve Number 5 to the front of this dwelling. Another parking space would be created to the rear of the garden to No. 5 which would remain. No. 5 would therefore continue to be served by 2 on-site parking spaces.

18. The layout of the proposed bungalows would be such that all main habitable rooms would be provided with windows to ensure appropriate levels of daylight. Each plot would be provided with an enclosed rear garden which would either meet or exceed the minimum requirement for 100 square metres and each of the proposed dwellings would be provided with 2 parking spaces that would meet the preferred bay size. No visitor parking is shown to be provided although on a small development such as this, a visitor parking allocation would not usually be insisted upon. It is considered that sufficient parking would be provided.
19. The width of the proposed driveway access would be a minimum of some 4.25 metres, capable of accommodating a car. There would be space to turn within the site so that vehicles could exit the site in forward gear. Stile Lane is an unmade road along which vehicle speeds would likely be low such that if a car had to wait to access the site whilst another exited the site this would not likely give rise to highway safety concerns. The Highway Authority has responded to the consultation stating that it will not comment as the access is onto a private road.
20. It is a requirement of Supplementary Planning Document 2 (SPD2) that a 1m separation is provided between the side boundaries and habitable rooms of the dwellinghouses; this would be achieved except for to part of the north-western boundary where part of the side wall of one of the bungalows would be sited closer to the boundary. This is not however considered objectionable given that the bungalow would be positioned some distance from the nearest other dwelling to the north-west.
21. The design of the two bungalows is considered acceptable. One would have a traditional hipped roof form whilst the design and form of the other has been amended in the course of the application such that the roof form now proposed is asymmetrical; whilst not traditional it is considered that the design and form proposed would not be detrimental to visual amenity.
22. Refuse bins could be stored in the rear gardens of the proposed bungalows and would have to be dragged to the street frontage for collection; there would be space to accommodate these on the driveway given that it widens out adjacent to Stile Lane.
23. There is an Oak tree on the site that is subject to a Tree Preservation Order located almost centrally within the site to the rear of the garden that would remain to serve Number 5 Stile Lane. Part (iv) of Policy DM1 seeks the retention of trees in accordance with Policy DM25. Policy DM25 advises that development which would adversely affect, directly or indirectly, existing trees will only be permitted if it can be proven that the reasons for development outweigh the need to retain the feature and that mitigating measures can be provided for which would reinstate the nature conservation value of the features. A tree survey and plan showing the proposed development in relation to the root protection area of the Oak tree has been provided which shows one of the bungalows as originally sited, within the root protection area of this tree. The Council's arboriculture officer objected to the original proposal

because of the impact on the protected Oak tree and as a consequence the applicant revised the proposal, amending the design and proposed siting of the bungalow closest to the Oak tree. The bungalow would now be sited outside the root protection area and the land within the root protection area as far as practicable would be soft landscaped to minimise adverse impact on the tree. The proposal is no longer considered objectionable and would satisfy policy DM25.

#### ENVIRONMENTAL SUSTAINABILITY

24. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard. Government policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.
25. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015).
26. Until such a time as existing Policy DM4 is revised, this policy must be applied considering the Ministerial Statement (2015) which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
27. The bungalows proposed are both three bed and the national space standard requires that the largest 3-bed bungalows (one-storey) achieve a minimum floor space of 95 square metres with 2.5 square metres of built-in storage; both bungalows would exceed the minimum requirements.
28. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition could ensure compliance with this Building Regulation requirement.
29. Policy ENV9 requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement relating to technical standards has not changed policy in respect of energy performance and this requirement still therefore applies. A condition could ensure compliance with this Building Regulation requirement.

30. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

#### ECOLOGY

31. The site consists of existing maintained gardens where it is unlikely that protected species would be present. It is considered that the proposal would not likely impact adversely on any ecological considerations.

#### FLOOD RISK

32. The site is within Flood Zone 1 where residential development is in principle acceptable. Policy DM28 can require the submission of a flood risk assessment where there is a perceived risk of flooding. Concerns have been raised in response to the public notification of the application regarding surface water flooding at the site. It is considered that appropriate drainage possibly including a soakaway at the site and permeable paving for driveways and the access could be developed to adequately deal with surface water and that planning conditions could be imposed to ensure that suitable drainage is installed such that the development would not result in an increased risk of surface water flooding to the site or neighbouring land.

#### CONCLUSION

33. Policy DM1 of the Development Management Plan sets out criteria to be considered in assessing the design of proposed developments and requires that new developments promote the character of the locality to ensure that development positively contributes to the surrounding natural and built environment. The revised proposal is considered to accord with the requirements of Policy DM1 and DM3 and has sought to minimise the impact on the Oak tree at the site that is subject to TPO.

#### **Representations:**

34. **HIGHWAYS:** The application site is located down a private road, and therefore:
35. From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.
36. In approving this Application, the Highway Authority has taken into account the Highway Authority's Development Management Policies and it considers that the proposed development is not contrary to relevant policies.
37. **RDC (WOODLANDS):**

First Response

38. It is very likely that there will be a negative impact upon T1 Oak (subject to TPO). The impact will occur from foundation and hard surface construction; this will result in a loss of rooting environment and likely cause crown decline, loss of vigour and general reduction in visual amenity. I would suggest the proposal be moved outside the RPA.
39. My comments remain as previous as they are still well within the RPA of the protected tree.

Second Response

40. The revised scheme provides improved soft surface below the crown of the tree subject of TPO and within its calculated RPA.
41. As a condition of planning I would recommend that a method statement and tree protection plan be submitted to and approved by RDC before any development, including ground works takes place at the site.
42. It should be noted that as part of the MS - access and tree protection needs to be fully addressed and all end phase hard and soft landscaping needs to be fully addressed to minimise the impact upon the tree.

NEIGHBOURS:

First Response

43. No. 8 Meadowside, 8 Stile Lane, 4 Stile Lane, 1 Stile Lane, 25 Queens Road, Ferndale-Stile Lane, 21 Queens Road, 3 Stile Lane, 6 Stile Lane, 35 Queens Road and 10 Stile Lane.
44. Highways - Stile Lane would not cope with the additional traffic resulting from the two proposed bungalows. It is a single file traffic lane and already at saturation point with traffic entering and leaving. Families in Stile Lane have increased over the years thus increasing traffic in and out of the lane. On entering Stile Lane one resident states that they frequently have to reverse onto the very busy Bull Lane situated on a bend. The conifers to the first dwelling causes a blind spot. This is already dangerous and adding more dwellings would increase the existing problem. The lane is also in a poor state of repair with massive potholes. The junction with Bull Lane is treacherous.
45. Stile Lane itself is already suffering from the use of heavy vehicles including the RDC bin lorries and the development works would greatly increase this deterioration. The road condition has deteriorated in this time dramatically in particular over the last couple of years with numerous neighbours making improvements to their homes. Heavy weighted vehicles making deliveries and an increase in workman vehicles would increase the deterioration of the lane.

46. Parking - Stile Lane currently suffers from a shortage of parking space and 4 extra parking spaces for 2 three bedroom houses may well be insufficient. Stile Lane is a single track road, privately owned after Meadowview and although parking is available at the properties it is likely that visitor vehicles will block up the Lane. Stile Lane is an un-adopted road with growing parking issues, in particular residents to Stile Lane, visitors, trades, deliveries and parking for use of the park. There is already an issue in regard to parking and with space for only 2 cars for each property any over spill will always come into the lane, which will be a nightmare for all residents.
47. Trees - Impact on trees - existing trees would have to be chopped down. There is a TPO on the site. The very healthy Oak tree is subject to a Tree Preservation Order. Therefore, such a development would render the tree vulnerable to 'accidental damage'. Many trees have already been lost over the last 20 years presumably to make way and i have no doubts that the Protected Oak and other nice trees will be damaged despite what has been stated in the applicant's Arbor Report. The east and west walls of the bungalows are too close to the neighbouring boundaries, and the protected Oak.
48. Ecology - Adverse impact on wildlife at the site. I note that currently no Environmental Impact Statement is included with the application. I look forward to seeing one and may wish to then add further comments. There is a very established assortment of wildlife within the proposed development. Badgers and their setts, foxes and their dens. The squirrels in their drays established in the trees proposed for demolition. In addition, we have a plethora of birds and their nests: Sparrows; Robins; Starlings/winter Starlings; Blackbirds; Jays; Magpies; Wood Pigeons; Doves, the list goes on and on. The removal of trees would displace the numerous birds living in them. Species which, according to the RSPB, are in decline such as sparrows. We have seen badgers and foxes and believe they both have dens in or close to the land up for development and again these will be disturbed. We have also seen slow worms very close to the location. The area is busy with wild life which we enjoy watching in our garden and we feel the building development will have an impact on their environment.
49. Overdevelopment - there are enough residences already and it seems that the idea is to cram more in for the sake of profit. The proposal is overdevelopment and will have a detrimental impact on the character of the local area. The bungalows are very large unlike those in Meadowview and are far too close to neighbouring properties.
50. Outlook - Adverse impact on outlook to the rear of existing property. Proposed building would be a lot higher than a boundary fence that could be erected. The proposal would result in the loss of the green space. Site is a back garden and should remain so.
51. Noise and Pollution - Adverse impact by way of noise and pollution from machinery on site during construction. The irreparable disruption to our daily

- living, turning our secluded garden into a building site with all the noise, dust and mayhem this will cause to us and our neighbours.
52. Residential Amenity - Overlooking from proposed dwellings. The plans do not address any concern of violation of privacy from the visual access into No 4 Stile Lane's garden through windows of the proposed dwellings. There is no information on whether these would be frosted glass or clear glass on the windows looking onto the boundary.
53. Although the current plans are for 2 bungalows it will only be a matter of time until the owners put in plans for a 2nd floor or to build into the eaves which will then have an impact on us in terms of privacy and out look.
54. There will be an infringement of noise from vehicles going along the entrance passageway to the dwellings and from the construction works. The plans do not provide information on consideration of the house boundary or boundary fencing being of acoustic type or the construction of a boundary wall to prevent the noise intrusion across the entire boundary. I have enjoyed the privilege of no noise or volume of vehicles passing down the passageway between 4 and 5 Stile Lane or behind the garden during my time living in the property.
55. The walls of the proposed bungalows and the parking bays appear to be too close to the adjoining neighbouring boundaries in the plan area. The properties and parking bays may infringe on rear access to the end of the neighbouring gardens. The parking spaces on the plan may not be sufficient for the potential number of residents and will create overspill of parking down Stile Lane and further restriction of access.
56. Design - The large three bed (all double rooms) bungalows do look lower and less obtrusive with the hip roof design this time, however the slab levels would need to be raised to avoid the protected tree roots and the risk of flooding in turn making the eaves levels higher and more unsightly.
57. Other - This planning application has been refused twice now in 2005 and again in 2007; the circumstances have not changed to warrant a different decision. The proposed development does not have appropriate access for the emergency services, especially the Fire Services in the event of a fire or other emergency. Please can you ensure there is a condition to improve access to Stile Lane and a commitment to contribute to the improvement of the road on completion of the works.
58. Foul and Surface Water - Concern regarding the disposal of sewage from the property and the removal of surface water. The plans do not specify how the property is to be connected to the mains drainage system. We have previously experienced considerable problems with blockages to the mains resulting in backup of the sewage into our property and fear that the new development would increase this risk. The bottom end of our garden and the land behind on which the new development is proposed already suffers from surface flooding during the rainy season and the proposed development,

- especially the removal of trees, will increase this occurrence. I am concerned that the proposed soakaway will exacerbate the current surface flooding which affects the area. Flooding of back gardens has been a problem for many years and two such large buildings will exacerbate the problem.
59. The drainage for all of Stile Lane gardens is a constant talking point. In the winter months it can be absolutely horrendous with weeks of standing water (inches high) with nowhere to drain. How the land lays means that some of this rainwater drains to the land of the proposed development. This will only intensify this issue with a greatly reduced area for the water to flow to.
  60. Our garden is prone to flooding and the removal of several large trees will exacerbate this.
  61. As all the residents are aware, in this area we have concerning flooding issues due to extremely poor drainage, including Stile Lane. The land for the proposed development does not fully dry out throughout the seasons.
  62. Temporary flooding occurs on a regular basis during rainy periods which would be exacerbated by the development, and I cannot see how the bungalows would be adequately drained of storm water when the ground is often saturated.
  63. The area is prone to surface flooding due to heavy rainfall. The planning documents presented are not accompanied by a flood risk assessment or management and mitigation plan from potential increased flood risk from the development. Additionally, the planning application information does not provide specification as to drainage plans for the proposed dwellings. The existing servicing drainage may not have the capacity for the further load from the dwellings. The plans have not been supported with any surveys carried out on this aspect or assessment on sewerage back up risk.
  64. Serious temporary flooding occurred in the garden of No. 8 Stile Lane in August 2013 (photo provided). This occurs on a regular basis at the bottom of our back gardens and seems even worse in the applicant's garden next to the site of the new proposed bungalows. The location would appear to be a natural catchment area for rain water which takes a long time to soak away due to the dense London Clay substrate
  65. Access - The only entrance passageway to the dwellings exists between No's 4 and 5 Stile Lane. The plans reflect the passageway between No's 4 and 5 Stile Lane being wider than it currently is and wider than the 10 feet restriction in the Title of No 4 Stile Lane. They additionally do not show or take into consideration the interests of No 4 Stile Lane on, in and over boundary lines and the rights of access on, in or over the entrance passageway as granted within Title for No 4 Stile Lane. I have not received any request to vary the Title in terms of the width of the passageway.
  66. The plans do not show or take into account the location of the existing boundary line and wall in the front driveway of No 4 Stile Lane. There would

be an insufficient turning circle for dust carts, the fire brigade or large delivery vehicles around this boundary wall and into the passage entrance of the dwellings, or from the end passageway into Stile Lane, when the parking bays in front of 4 Stile Lane and 3 Stile Lane are occupied. Likewise, the current width of the passageway may not be sufficient for fire engines and equipment. This limitation of access for the Fire services introduces an increased risk of conflagration to neighbouring properties, fences, outbuildings/sheds and vegetation, from the proposed dwellings.

67. The use of the passageway as an access road to dwellings will infringe on access rights and will impair the safety of use of that passageway that has been a benefit derived from those rights as granted and that have been and are enjoyed. The plans do not propose remedy or development of the passageway in any way, which is currently unmade. There is no proposed safe space or pathway on the plans for residents or visitors of 4 Stile Lane to stand aside on, from oncoming vehicles, particularly when manually carrying or transporting heavy and/or wide loads on the passageway from any passing traffic to and from the proposed dwellings, whilst benefitting the rights of access. The construction traffic will cause damage to the unmade road surface on the passageway causing further hazard. Additionally, there is no remedy on the plans for the ensuing need for a drop curb to the rear access gates of No 4 Stile Lane.
68. Second Response; 5 responses received (summary of comments below)
- Objections remain the same.
  - Proposed dwellings and parking too close to boundary.
  - Removal of healthy trees is unacceptable.
  - Noise and pollution from machinery during construction.
  - No emergency services access down narrow sideway.
  - We already have a drainage problem in the back gardens, and building will exacerbate the problem with less open land for moisture to escape.
  - The view we would have in the back garden would be compromised, this is one of many reasons we bought the house.
  - Damage to the road surface caused by heavy plant.
  - Noise pollution during building and access to the road during works, as the lane is not wide enough to accommodate two vehicles to pass each other.
  
  - I accept that the new layout for the bungalow behind my property is better for the protected oak tree however I have the prospect now of cars parked right next to my northern boundary.
  
  - I have not seen any evidence of an Environmental Impact or drainage survey.
  
  - If the bungalows are approved then I believe that they should be reduced to two bedrooms with less parking and impact on the existing environment.
  
  - Also, I would ask that strict conditions be included to maintain the road and our access during

- construction and re-surface the whole road on completion.
- This development will only exacerbate the poor condition of our road with the increase in workman's vehicles, lorries etc. Potholes are already causing damage to resident's cars and this will only be made worse with increased works traffic. Stile Lane is a single track road and without doubt the delivery of materials etc will need to be unloaded in the Lane and forklifted to site which will block the Lane preventing access in and out of our own property.
- Most houses have room for 2 cars on their driveway - there is an overspill area that is always full and the new development with additional 2 bungalows will make it even harder for residents to park in the overspill. These 3 bed bungalows could potentially have 3-4 vehicles per household so the 2 space parking allocation will mean the overspill residents parking area in Stile Lane will be impacted. Parking is a major problem already and often have cars parked blocking your own driveway and not able to get on and off your own private land so the additional cars will only affect this even more.
- Are there plans in place to re tarmac the lane if the proposed development goes ahead?
- Drainage for the entire Lane is an issue. The high clay soil content means that water sits on the top of the garden and is prone to flooding especially in winter we can have inches of standing water as there is nowhere for it to drain away. This will only get worse if there is less area for this to drain away coupled with the removal of trees is only asking for more flooding.
- One of the things that we fell in love with when we bought this property was for its un overlooked back garden. The proposed plans will be far from that. The impact this proposal will have on my garden is of major concern. The noise, dust and mayhem this will cause will majorly impact the surrounding properties.
- Also the removal of trees in the plans will mean my garden is more exposed with a major loss of privacy. We, and many other properties have outbuildings at the end of our garden that was a peaceful haven will be affected by the noise of the building work. How long will it be before the 2 proposed bungalow owners put plans in for a 2nd floor extension which will impact even more in terms of privacy / outlook?
- The proposed site is a home to foxes, squirrels and birds. Not to mention the numerous trees that would be cut down to accommodate the proposals.

**APPROVE**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 2 The development hereby permitted shall be carried out in complete accordance with the following approved plans: 491 Rev B, 490 Rev B and A3/248 Rev A.
- 3 Prior to occupation of the dwellings hereby approved plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:
- o schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
  - o existing trees to be retained;
  - o areas to be grass seeded or turfed;
  - o paved or otherwise hard surfaced areas including details of permeable surface to the driveways or on-site drainage to prevent run-off onto the highway from the driveways and details of method for working in the root protection area of the TPO tree at the site;
  - o existing and finished levels shown as contours with cross-sections if appropriate;
  - o means of enclosure and other boundary treatments;
- shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.
- 4 Details of all external facing and roofing materials including windows and doors for use in construction of the dwellings hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to first use of the materials. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.
- 5 Prior to the commencement of development at the site including any groundworks a Method Statement and Tree Protection Plan shall have been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall contain details including but not limited to access and tree protection needs which shall be fully addressed and details of all hard and soft landscaping including methods for hard landscaping with the RPA of the TPO Oak tree at the site. The Method Statement and Tree Protection Plan shall be implemented in accordance with the details as agreed throughout

- construction at the site with tree protection measures as agreed in place prior to the commencement of construction works at the site and retained throughout the construction period.
- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s) and to the side elevations shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above finished floor level and no additional windows shall be installed to any side elevations of the dwellings hereby approved. Thereafter, the said windows shall be retained and maintained in the approved form.
  - 7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no extensions including roof alterations shall be erected on any elevations of the dwellings hereby permitted.
  - 8 Prior to occupation of the dwellings hereby approved the access track/driveway and 4 parking spaces shall have been constructed and laid out and available for parking of vehicles for each dwelling hereby approved in accordance with the approved plans and details and the two on-site parking spaces for No. 5 Stile Lane shall also have been constructed in accordance with the details as agreed in relation to condition 3. The on-site parking as constructed shall be retained for use solely for the parking of vehicles in perpetuity.
  - 9 Prior commencement of development at the site details of surface water drainage including permeable paving for driveways and the access shall be submitted to and agreed in writing by the Local Planning Authority. Surface water drainage shall be constructed as agreed and retained in perpetuity in the agreed form.
  - 10 Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter.
  - 11 Part L of the Building Regulations 2010 in respect of energy performance shall be met for the dwellings hereby approved.
  - 12 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details as agreed.

**Relevant Development Plan Policies and Proposals:**

Policies H1, H5, H6, CP1, ENV1, ENV3, ENV9, T1, T3 and T8 of the Core Strategy 2011

Policies DM1, DM2, DM3, DM4, DM5, DM25, DM27, DM28 and DM30 of the Development Management Plan 2014

Allocations Plan Policies Map 2014

Supplementary Planning Document 2

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

National Planning Policy Framework

The local Ward Member(s) for the above application are Cllr M Wilkinson  
Cllr J C Burton Cllr R R Dray

